

REMARKS

Reconsideration is respectfully requested. The Request for Information dated December 19, 2005 did not clearly indicate the basis for the information requirement nor what information was being required. The Request was absent enumerated requirements. The Advisory Action dated May 3, 2006 is likewise unclear.

The Advisory Action is ambiguous and not understood by Appellants. For example, it is unclear how "applicants' priority chain" relates to "applicants' declaration". Nor is reference to "the declaration and affidavit" understood. There is no affidavit of record.

Apparently the Board of Patent Appeals and Interferences ("Board") disagrees with the shared position of both the Examiner and Appellants with regard to the sufficiency of the 37 CFR § 1.131 declaration filed August 30, 2000 ("declaration"). As the Advisory Action is best understood, the Examiner now requests that a new declaration pursuant to 37 CFR § 1.131 be filed to completely eradicate the unfounded issue raised by the Board. Therefore, per the Examiner's request, in response to the Request for Information (via the Advisory Action) a new declaration is filed herewith. Entry thereof is respectfully requested. Appellants respectfully submit that this new declaration resolves all declaration issues. R. Michael McGrady is the sole inventor of the subject matter described and claimed in claims 38 and 48.

Appellants respectfully submit that any duty the Examiner may have had with regard to the Board's unfounded declaration issue is complete. Thus, Appellants respectfully request that this application be returned to the Board for prompt decision on appeal.

Conclusion

It is respectfully submitted that no other comments by Appellants are deemed necessary in response to the Advisory Action dated May 3, 2006 (as it is best understood). A decision on appeal is earnestly requested.

Respectfully submitted,



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